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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 JOSE ARMANDO RUIZ-  
12 BALLESTEROS,

13 Defendant-Petitioner,

14 v.

15 UNITED STATES OF AMERICA,

16 Respondent.  
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CASE NO. 13-CV-0075 W  
12-CR-3674 W

**ORDER DENYING  
PETITION FOR WRIT OF  
HABEAS CORPUS [DOC. 22]**

18 Pending before the Court is Petitioner Jose Armando Ruiz-Ballesteros's Motion  
19 for Time Reduction by an Inmate in Federal Custody Under 28 U.S.C. § 2255 (the  
20 "Petition" [Doc. 22]). The Court has reviewed the Petition, as well as the relevant  
21 records on the docket.

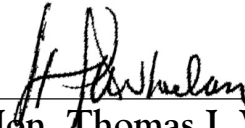
22 The record establishes that on September 28, 2012, Petitioner entered into a fast-  
23 track Plea Agreement, and waived both his right to appeal and collaterally attack his  
24 conviction and sentence. (*Plea Agreement* [Doc. 13]¶ XI.) The Petition does not raise  
25 any challenge to the validity of that waiver. Additionally, having reviewed the Plea  
26 Agreement, the Court finds that Petitioner knowingly and voluntarily waived his right  
27 to appeal and collaterally attack his sentence. This Court, therefore, lacks jurisdiction  
28 to consider any collateral challenge to his conviction and sentence. See Washington  
v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005) (recognizing that if

1 sentencing stipulation's waiver of the right to file a federal habeas petition was valid,  
2 district court lacked jurisdiction to hear the case).

3 Accordingly, the Court **DENIES** the Petition [Doc. 22].

4 **IT IS SO ORDERED.**

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6 **DATED: April 11, 2013**

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9 Hon. Thomas J. Whelan  
10 United States District Judge  
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